

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

DANNIE DARBY, #737092

V.

NATHANIEL QUARTERMAN, Director
Department of Criminal Justice,
Correctional Institutions Division

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CIVIL ACTION NO. G-06-417


ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on August 11, 2006, which recommends that the Application for Writ of Habeas Corpus of Dannie Darby be dismissed. Darby has filed objections to the Report and Recommendation, re-asserting additional facts regarding his disciplinary case which, he argues, were not given proper consideration. Petitioner's objections are without merit. As correctly stated by the Magistrate Judge, the disciplinary proceeding of which Petitioner complains afforded him the due process to which he was entitled.

Having given this matter *de novo* review as required by 28 U.S.C. §636 (b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of federal law and should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein.

It is **ORDERED** that the Application for Writ of Habeas Corpus of Dannie Darby is **DENIED** and this cause is **DISMISSED** with prejudice.

DONE at Galveston, Texas, this the 8th day of September, 2006.



Samuel B. Kent
United States District Judge